

PROCEEDINGS OF THE CITY-PARISH COUNCIL MEETING OF THE CITY-PARISH OF LAFAYETTE, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING OF OCTOBER 26, 2004.

ATTENDANCE

COUNCIL: Randy Menard – Chair (District 9), Rob Stevenson – Vice Chair (District 8), Bobby Badeaux (District 1), Dale Bourgeois (District 2), Christopher J. Williams, Ph.D. (District 3), Louis C. Benjamin, Jr. (District 4), Lenwood Broussard (District 5), Marc Mouton (District 7)

ABSENT: Bruce Conque (District 6)

COUNCIL STAFF: Norma Dugas (Clerk of the Council), Veronica Williams (Assistant Clerk) and Anne Patin (Senior Administrative Assistant)

ADMINISTRATIVE STAFF: L. J. Durel, Jr. (City-Parish President), Dee Stanley (CAO), Becky Lalumia (Associate CAO/Finance Management), Gail Smith (Director of Administrative Services), Interim Chief Randy Hundley (Police Department), Eleanor Bouy (Director of Planning, Zoning and Codes), Gerald Boudreaux (Director of Parks & Recreation), Terry Huval (Utilities Director), Melanie Lewis (Director of Community Development), Pat Ottinger (Legal Counsel)

COMMENCEMENT

(TAPE 1)(SIDE A)(000) AGENDA ITEM NO. 1: Call to order.

Councilmember Randy Menard called the Regular Council Meeting of October 26, 2004 to order.

(TAPE 1)(SIDE A)(001) AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance.

Councilmember Marc Mouton was called upon to deliver the invocation and lead the Pledge of Allegiance.

The Chair then announced that Councilmember Bruce Conque would not be in attendance due to a government-related business trip with Tony Tramel, Director of Traffic & Transportation.

(TAPE 1)(SIDE A)(026) AGENDA ITEM NO. 3: **EXECUTIVE/PRESIDENT’S REPORT**

- Maxine Hamilton, Lafayette Parish School Board, was recognized concerning “Red Ribbon Week”. President Durel presented her with a proclamation.
- Terry Broussard, American Heart Association, was recognized concerning the Heart Walk and was presented with a proclamation from President Durel. The Subway Twins were then introduced and they spoke on weight loss and heart health.

RESOLUTIONS

(TAPE 1)(SIDE A)(073) AGENDA ITEM NO. 6: R-071-2004 A resolution of the Lafayette City-Parish Council, acting in its capacity as the Metropolitan Planning Organization (MPO) for the Lafayette Urban Area, recommending the order of priority for construction of Louisiana Department of Transportation and Development projects in Lafayette Parish. *Deferred at the request of the Chair. The resolution will be sent back through the TPC and the CAC Committees for a recommendation.*

(TAPE 1)(SIDE A)(075) AGENDA ITEM NO. 4: **COUNCIL ANNOUNCEMENTS**

VETOED ORDINANCE

(TAPE 1)(SIDE A)(077) AGENDA ITEM NO. 5: The Lafayette City-Parish President on October 13, 2004 vetoed Ordinance No. O-178-2004 and has provided a statement of explanation which has been published in the Official Journal on October 18, 2004.

In accordance with Section 2-13(c) of the Home Rule Charter, vetoed ordinances shall be submitted to the Lafayette City-Parish Council no later than the next regular meeting held after publication of the veto statement.

Accordingly, the following ordinance is submitted for Council reconsideration:

O-178-2004 An ordinance of the Lafayette City-Parish Council adopting an operating budget of revenues and expenditures for the Lafayette City-Parish Consolidated Government for the fiscal year beginning November 1, 2004, and ending October 31, 2005. The vetoed line item in O-178-2004 is as follows:

Amendment #7 – I-49 Corridor Management Plan (delete \$10,000 funding for I-49 Technical Consultant and redirect to I-49 Corridor Management Plan)

A motion was offered by Bourgeois to sustain the veto. The motion died for lack of a second.

NOTE: No action to override the veto having been taken, under Section 2-13(c) of the Home Rule Charter, the veto was not overruled. Therefore, the veto is effective immediately.

ORDINANCES FOR FINAL ADOPTION

AGENDA ITEM NO. 9 WAS TAKEN OUT OF SEQUENCE.

(TAPE 1)(SIDE A)(118) AGENDA ITEM NO. 9: O-245-2004 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance so as to reclassify the property of James S. Davidson, III, Case No. Z2004-022 James S. Davidson Property Rezoning, located generally south of Fairway Drive, north of West Willow Street, and west of North University Avenue, from R-1-B (Single-Family Residential) to B-G (General Business) and I-1 (Light Industry), motion to adopt as amended (*amendment being to change the name “James S. Davidson” to James J. Davidson throughout the ordinance*) by Williams, seconded by Benjamin, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Conque

ABSTAIN: None

Motion was unanimously approved.

Jim Parker, Zoning Coordinator, stated that this property is located off of Fairway Drive and it's a little over an acre and a half of property currently zoned R-1-B. The request is to rezone a 50-foot strip to B-G and I-1 to make the strip compatible with the rest of Mr. Davidson's property. PZC is recommending the rezoning. He also requested that the ordinance be amended to change "James S. Davidson" to "James. J. Davidson".

Upon questioning by Williams, Parker stated that a meeting of the neighborhood residents was held and there were no objections to the rezoning. The 18' strip is from the right of way edge and not the pavement. The right-of-way ranges from 11' to 14'. The rezoning will be B-G for the westernmost part of the property and I-1 for the smaller, eastern part.

The following individuals were recognized:

Elroy Broussard stated that the residents on Fairway Drive and the neighborhood approve of the rezoning of the 50 feet right of passage through the commercial area and, through an Act of Donation, giving the 18 feet to the residents on Fairway Drive. Williams explained that he wanted to make sure that the residents feel this buffer is adequate to address any future development. Mr. Broussard further explained that there is no need for a road onto Willow Street on the western end of this property. He then thanked Mr. Davidson for working with the neighborhood to make this a success.

James J. Davidson stated that there are no current plans for this property.

(TAPE 1)(SIDE A)(516) At this point, Williams made the following comments regarding the action just taken on O-178-2004 (budget ordinance).

In Budget Hearings for 05/06, he would like to see an appropriation that would equal what was cut in the 04/05 Budget. As a result of the action taken there were no funds available for improvements to the Blue Book. If the Administration decides not to fund this project next year, he would be forced to have to take a position of not supporting I-49.

(TAPE 1)(SIDE A)(613) AGENDA ITEM NO. 7: O-214-2004 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance, so as to reclassify the property of Sharon K. Moss, Case No. Z2004-020 Moss Motors Property Rezoning, located generally at the north corner of Surrey Street and Michael Allen Boulevard, from R-4 (Condominium, Townhouse, and Zero Lot Line Homes) to B-2-I(C) (Intermediate Business – Conditional), motion to adopt by Mouton, seconded by Benjamin, and the vote was as follows: YEAS: Williams, Benjamin, Broussard, Menard
NAYS: Mouton
ABSENT: Conque, Stevenson
ABSTAIN: Badeaux, Bourgeois
Motion failed.

Bouy explained that this property is a little over half an acre site at the corner of Surrey Street and Michael Allen Blvd. It's a vacant piece of property next door to the current Moss Motors property and in front of the Charise Square Condominiums. The request is to rezone from R-4 (Condominium, Townhouse, and Zero Lot Line Homes) to B-2-I(C) (Intermediate Business – Conditional) for use as a car display lot. There are conditions contained in the ordinance. The Planning Commission and the PZC Staff recommended rezoning.

Those that did not wish to speak:

Beatrice Figeuron opposed the rezoning.

Bernice Collins opposed the rezoning.

Dr. Curtis Roy did not indicate whether he opposed or supported the rezoning.

The following individuals were recognized:

Peter Scalisi opposed the rezoning because of the current conditions of the construction taking place. Several oak trees bordering his property have been cut down, only 5 feet of buffer was given and the residents were deceived about the project. He then asked that Councilmembers who have financial or personal dealings with Sharon Moss to abstain from voting.

Coury Moss passed.

Mike Patout passed.

Kirby Pecot passed.

Sharon Moss passed.

Elsie Prejean opposed the rezoning.

D. M. Rogers opposed the rezoning. She felt the guidelines for rezoning were not adhered to by Moss Motors. She stated she was told the Planning Commission had granted the residents an additional 8-foot buffer behind their property. Bouy refuted that Ms. Rogers was not correct.

Denise Womack, Zoning Manager, explained that Moss Motors would most probably build a fence on the property line. The required landscaping would then be on the commercial development side of the new fence.

Alex Montgomery, 113 Michael Allen, opposed the rezoning. He stated that Moss Motors is taking over a residential neighborhood, bringing more traffic into a residential area, and cutting oak trees without an agreement.

Benjamin stated that he represented this area and, out of caution, deferred this ordinance so that he could be certain it was the right thing for the neighborhood and for Moss Motors. After meeting with Sharon Moss, Benjamin concluded the fence and the green area would be appropriate, there would be no access on Michael Allen or Surrey Street and the lot in question would not take over the existing residential neighborhood. He then requested that Bouy mediate between the residents and Mrs. Moss during the period of construction. Bouy assured Benjamin that the rezoning is conditional. If the conditions are not met, construction will not be permitted.

Badeaux then suggested that Moss Motors give up 3 parking spaces in order to allow more green space to the residents. Mrs. Moss agreed to give up the 3 parking spaces, to add gates to the fence at each residence and to provide the landscaping.

(TAPE 2)(SIDE A)(176) AGENDA ITEM NO. 8: O-244-2004 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance so as to reclassify the property of Jerome S. Young, Case No. Z2004-021 Jerome S. Young Timothy Drive Property Rezoning, located generally at the south corner of the intersection of Empire and Timothy Drives, from R-1-B (Single-Family Residential) and B-G (General Business) to R-1-C (Single and Two-Family Residential), motion to adopt by Williams, seconded by Broussard, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Mouton, Menard

NAYS: None

ABSENT: Conque, Stevenson

ABSTAIN: None

Motion was unanimously approved.

Parker explained that this property is located at the corner of Timothy and Empire Drive. The proposal is to build Empire Courts Subdivision. It is currently vacant and zoned R-1-B, with a parcel on Empire zoned B-G. The request is to rezone the entirety to R-1-C to allow development of a single-family subdivision. The Zoning Commission and PZC staff recommends approval.

(TAPE 2)(SIDE A)(217) AGENDA ITEM NO.10: O-246-2004 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance, so as to reclassify the property of Larry Leger, Case No. Z2004-023 La Bon Vie Property Rezoning, located west of Veterinarian Road, north of West Pont Des Mouton, south of West Butcher Switch Road, and east of LA Hwy 182/North University Avenue from GAD (Growth Area District) to R-1-C (Single and Two-Family Residential), motion to adopt by Bourgeois, seconded by Benjamin, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Mouton, Menard

NAYS: None

ABSENT: Conque, Stevenson

ABSTAIN: None

Motion was unanimously approved.

Womack explained that this is a 55-acre piece of vacant property with frontage on Veterinarian Road. It backs up to Carencro High School. The applicant has submitted a proposal for a single-family subdivision to the Planning Commission. This will be a gated community. The Zoning Commission and PZC staff recommends approval.

REPORTS AND/OR DISCUSSION ITEMS

(TAPE 2)(SIDE A)(255) AGENDA ITEM NO.11: Drainage on West Pointe Circle and surrounding areas.

Pat Logan, Associate Public Works Director, explained that the drainage outfall for the subdivision is being improved, which is Phase II of Belle Terre Coulee. It begins at Congress St. and curves around to a point just west of Domingue Rd. From that point northward, there is an unimproved area that is going to be cleaned. Further north from that there is an area that has been improved with subsurface drainage as part of a subdivision. The only remaining section is from that subdivision northward to the south boundary of the subdivision that Westpointe Circle is in, which is private property. Public Works is now locating ownerships, will try to secure rights-of-way, and then clean that area.

The following individuals were recognized:

April Washington submitted photos but did not wish to speak.

Angela Hardy did not wish to speak but supports any improvements to the drainage.

Worley Firmin stated that his lot was the second highest in the subdivision. He felt the drainage was not routed properly and he should not have to purchase \$400 worth of flood insurance for his property because he is not in a flood zone.

Dallas Fleming had left the meeting.

Wable Daigle, manager of Oakbrook Apartments, stated that the situation is bad. When there is a steady rain, residents are parking on the sidewalks of the complex.

Bernell Woods had left the meeting.

Vickie Opper stated she has been a resident of this subdivision for approximately 1 year. In that time, rain as caused water to be up to the sidewalks 14 times. She called Public Works and was told they are building too many houses in that area and there is nothing Public Works can do.

Menard stated he felt this was an inappropriate statement from local government and requested that Logan look into this.

Broussard requested that copies of the "Request to Speak" forms be sent to Tom Carroll and that this issue be placed on the Regular Council meeting agenda on January 25, 2005.

(TAPE 2)(SIDE A)(525) AGENDA ITEM NO. 12: Maintenance of railroad property between Lafayette and Carencro.

Boyd Boswell, EQ Manager, reported he contacted over 32 cities in Texas, Arkansas, Louisiana and Mississippi, along with researching their ordinances on-line. He has determined two issues: 1) he still could not determine who the property owners are, and 2) funds. Regarding the property owner issue, in most of these cities the property is posted giving the owners approximately 7 -10 days to clean it up. Then the government can go on the property and perform the work. The LCG ordinance would have to be amended to allow this. Regarding the funds, it was estimated that the work (Madeline to Gilman and then Gilman to I-10) would cost \$8,000 for the first time and \$2,000 each time after that.

Williams requested that the ordinances be drawn up and placed on the first available agenda.

(TAPE 2)(SIDE A)(614) AGENDA ITEM NO. 13: Update of LUS Customer Service addressing constituent requests for extension of utilities.

Williams explained that he has requested the Council staff to process all complaints regarding LUS bills in a systematic way.

Huval stressed that if a complaint goes through the Council office it is important that the customer does not believe, at that point, that the Council staff will hold the cut off. The customer should be sent to Customer Service to reach some type of agreement to stop the process concerning the delinquency.

The following individual was recognized:

Jeffrey Landry complained that he did not receive a red tag or a reminder before LUS cut off his utilities for non-payment.

Huval rebutted that the late notice is an automated process and it goes out 5 days after the due date of the first bill. If a customer does not pay their bill for a particular month, they will get a reminder to pay the bill and, after a certain amount of time, will receive a tag on their door and then they will be disconnected.

(TAPE 2)(SIDE B)(022) AGENDA ITEM NO. 14: Speeding on the Evangeline Thruway between I-10 and Pinhook Road by sugar cane trucks and 18-wheelers.

Williams stated he was in receipt of a memo from the Director of Traffic and Transportation stating that, from an engineering standpoint, the system being used was sound. He requested that Traffic and Transportation work to make the length of the Thruway one consistent speed. He then requested that the Police Department patrol the Thruway, particularly the speed of sugar cane trucks and 18-wheelers. He requested that this issue be placed on the agenda for November 23, 2004.

Major Jim Craft informed Williams that the speed trailer was placed on the northbound lane of the Thruway, a 30-day special enforcement has been put in place and unmarked vehicles have been placed to monitor traffic. No violations have been seen.

Benjamin requested that Public Works check the Thruway every couple of days for sugar cane dropped from the trucks.

The following individual was recognized:

George Bentley suggested that all trucks be directed to use the middle lane only on the Thruway and make them drive a constant speed.

COMMENTS FROM THE PUBLIC

(TAPE 2)(SIDE B)(168) AGENDA ITEM NO. 15: Comments from the public on other matters.

Harold Arceneaux addressed the Council regarding no public phones at the Clifton Chenier Center. He went to the center for a meeting, at night, and the meeting was cancelled. He had no way of calling for a ride.

David Malveaux addressed the Council regarding trouble with Para-Transit.

Diane Morton complained that there was no person to call at Para-Transit after-hours and they do not get picked up at the assigned time.

Shelby Williams commented on the Fiber to the Home ordinance; a television spot regarding taser guns killing 70 people throughout the United States; and special treatment given to those in public office.

Jeffrey Landry commented on Councilmembers talking during public comment; Councilmember Chris Williams report on minorities; and using a Citizen Investigation Panel to look into the use of taser guns.

George Bentley addressed the Council regarding personal property taken from him by the Lafayette Police Department.

Don Bertrand spoke on the Lafayette-Vermilion Parish boundary line. He urged the Council to observe the results of his findings on this subject at www.lafvermline.com

ADJOURN

(TAPE 2)(SIDE B)(621) There being no further business to come before the Council, Chair Menard declared the Regular Council Meeting adjourned.

NORMA A. DUGAS, CLERK
LAFAYETTE CITY-PARISH COUNCIL